



Feds Blackmail Virginia's Largest School District Into Transgender Policy

A case in Virginia demonstrates how far the Obama administration will go to force its sexual ideology—regardless of self-governance, local control, and childish innocence.

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Since 2009, the Obama administration has expanded upon the power-grabbing traditions of its predecessors. Whether it's with health care—Lyndon B. Johnson would be proud—the Environmental Protection Agency—Richard Nixon's creation—or changing the definition of “religious liberty” to fit its ideologies, the administration has overstepped its constitutional bounds in ways almost too numerous to count.

Which brings us to May 7, and [the Fairfax County, Virginia school board meeting](#) where board members bowed to U.S. Department of Education (USDOE) bullying: Unless the board approved special treatment for transgendered students and teachers, the state's largest school district would lose \$42 million in federal funding.

This pressure, to which the board members acquiesced, reveals how federal funding is a bit in every school's mouth, which allows unelected bureaucrats to decide essentially anything they want about what happens to your child in school.

It was followed just four days later by a recommendation that the board add similar changes to the mental health and sexual education programs for kids as early as seventh grade, and expand support for contraceptive drugs and devices, which could include the same abortifacients found in the Obamacare mandate.

What Happened in Fairfax

On May 7, hundreds of parents packed a Fairfax County auditorium to standing room only, with overflow of at least 100 people outside the room. They were outraged that the school board was going to make “gender identity” a protected class, equal to protecting people from discrimination based upon race and sex.

The consequences of the board's decision are clear: Boys who think or feel they are girls will be allowed to use restrooms and locker rooms of the opposite sex. If the board follows [the example of Minnesota](#), schools would have to accommodate male transgendered students who want to spend nights at travel games in hotel rooms with female athletes.

Board members [argued](#) they had to make the change to be fair to transgender children and comply with federal demands. As [I wrote at LifeSiteNews](#) shortly after attending the meeting:

The change was preceded by a legal opinion from Virginia Attorney General Mark Herring, a Democrat, who in March said that school boards have the authority to include sexual orientation and gender identity as special classes. But it was the threat of a loss of federal education dollars that provided the impetus for several school board members.

President Obama's threat to deny children federal money was in keeping with his administration's new interpretation of the 1972 Title IX law.

Last April, the U.S. Education Department's Office for Civil Rights decided that gender identity is a protected class, and that [Title IX, which only bars sexual discrimination](#), will now be treated as though it 'extends to [claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity](#).'

But neither the U.S. Constitution nor prior case law requires school boards to make these changes, said Alliance Defending Freedom attorney Casey Mattox, whose children attend Fairfax schools. Citing a recent court case in a short presentation to the board, "There's absolutely nothing behind [these federal demands]," said Mattox. "They're bluffing."

Speaking with me as he left the meeting, Mattox said that while the administration says it is attempting to protect students from bullying and other ill treatment, the threat of reduced federal education dollars is itself bullying. Denying \$42 million, which is 1.7 percent of the district's budget, to the district is what bullies do, he said, comparing the tactic to taking student lunch money.

Despite opposition from most in attendance, board members chose to pass the "gender identity" protections 10-1, with one person abstaining. Numerous board members accused opponents of acting out of "fear," and many made comparisons to slavery and the pre-Civil Rights era. After the meeting, a LGBT activist told me that "if people really clung to these things, we'd still have slavery, women still wouldn't have the right to vote."

Several board members said enabling gender identity crises would change "nothing" in the district, which led to loud booing and other vocal anger from parents, who asked why any change was needed if students already felt safe in the district.

After the vote, which board member Elizabeth Schultz left in protest, the board created a committee to investigate how to implement the change. Schultz, the sole board member to oppose the change, pointed out to me that "[implementation] happens at the end of September. What difference does it make if you say you want to look at the regulations then?" She and many

parents had urged the board to consider possible consequences and regulations prior to any implementation. The board chose to do the opposite.

What about the Rights of Children and Parents?

According to the school board and the Obama administration, children and adults have the right to choose their gender identity with no accompanying questions, contradictions, or ill effects.

However, as Mattox pointed out, gender identity “rights” have no basis in America’s legal or constitutional history. Furthermore, while board members say they are attempting to protect children with gender dysphoria—a mental disorder—they made no provisions for protecting the privacy and emotional security of the well over 99 percent of students who do not challenge their biology.

The likelihood of sexual harassment or sexual assault by transgendered students is probably less than conservatives believe, but it is a reality politicians and bureaucrats ignore. Another problem is the incorrect understanding about gender, morality, and family structure such policies will engender—social engineering that is [a clear priority](#) of the Obama administration’s domestic and foreign policies.

And we haven’t even touched on the misplaced priority of the administration and the school board in thinking that society should encourage someone suffering from gender dysphoria to flaunt their disorder before dozens if not hundreds of other students.

Forcing such questions on young children further strips parents’ rights as the primary educators and morality teachers of their children. Once gender identity is considered equal to race and sex, parents who oppose exposing their young children to the politically correct but biologically false version of gender fluidity will be identified as bigots and haters. They will be told they must place their children in courses and seminars that teach a disordered sense of sexuality and sexual morality.

Likewise, the expanded concept of what one activist calls “gender fluidity” in Fairfax’s sexual education programs will force parents to either pull their children out of courses—alienating them from their classmates—or allow a scientifically unproven sense of sexuality to be impressed upon their children.

Increasing Federal Overreach Into Schools

In the 1970s and 1980s, the Carter and Reagan administrations convinced states to raise their drinking ages to 21 from 18 by threatening to withhold highway funding. The Obama administration is doing the same by threatening to pull money from Fairfax and other school boards if they do not fall in line.

This is problematic for multiple reasons. First, according to [The Heritage Foundation’s Jennifer Marshall](#): “The federal Department of Education has spent the past three decades taxing states,

running that money through the Washington bureaucracy, and sending it back to states and school districts. But for 30 years, this spending cycle has failed to improve education.”

Since its creation in 1980 by President Carter, USDOE has sucked an increasing number of dollars from U.S. taxpayers with little to no results to show for it. As federal control of education has increased, the quality of education has decreased.

While there is no perfect way to estimate the cost of the shoddy education system wrought by the oversized federal bureaucracy, Marshall cited a study noting as much as one-sixth of federal education dollars could be wasted on bureaucratic inefficiency. As noted by [a Cato Institute scholar in 2009](#), mismanagement is a core part of the federal education system, because it is a system designed to oversee programs, not actually teach children.

The second problem with the federal government’s intrusion into education is what someone told me after the Fairfax board meeting: first, government puts the proverbial gun to the heads of taxpayers to take their money. Then, it puts another gun to taxpayers’ heads to force them to take back money the government forcibly took from them, with objectionable mandates attached.

A third problem is something Schultz identified in our brief chat. She noted that Title IX was created in 1972 to prevent discrimination on the basis of sex, and that lawmakers did not consider transgender issues when composing the law. Like others, she points out that by changing its interpretation of Title IX, the Obama administration is vastly overstepping the law itself.

Reject the 400-Pound Federal Gorilla

Whether you support federal involvement in education, or whether you prefer to follow the Constitution and leave education funding and policy to states and localities, it is clear that federal involvement in education is, in its current state, increasingly inefficient, expensive, overbearing, and—dare I say it—bullying.

Likewise, whether you are a libertarian who thinks social conservatives are statist, or a social conservative who believes the rights of parents and religious liberty are paramount, what is happening in Fairfax and across the country should cause you to link arms.

For decades, the gay [“marriage”](#) movement claimed it merely wanted tolerance and respect from its cultural opponents. Now that America is on the verge of accepting redefining marriage and negating human biology, two long-ago predicted results are taking place. The first is state-sponsored discrimination against Christians—seen in California, Colorado, Idaho, Washington, and many other states, against bakers, florists, etc.—and the second is expansion of the gay “rights” movement to other areas of cultural redefinition.

Supporters of religious liberty, equality under the law, and local control of government ought to partner against the forces of tyrannical government and moral irrelevance. Otherwise, we will see liberty and equality destroyed with even more unconstitutional blackmail from this administration and others.

